

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CARL WENGELER,

Plaintiff,

v.

JANET YELLEN, et al.,

Defendants.

CASE NO. 22-CV-00666-LK

CERTIFICATION REGARDING
IFP STATUS ON APPEAL

On June 24, 2022, the Court dismissed this action with prejudice because Plaintiff Carl Wengeler failed to state a claim upon which relief can be granted. Dkt. No. 16. Mr. Wengeler appealed the dismissal. Dkt. No. 19. The Ninth Circuit then referred this matter to the Court “for the limited purpose of determining whether in forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith.” Dkt. No. 21 at 1.

Under 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” The “good faith” requirement is generally established “by the presentation of any issue that is not plainly frivolous.” *Ellis v. United States*, 356 U.S. 674, 674 (1958) (per curiam). Having reviewed Mr. Wengeler’s amended

1 complaint and the remaining record, the Court finds that his claims are frivolous and that this
2 appeal is not taken in good faith. *See Johnson v. Gibson*, 270 F.2d 36, 39 (9th Cir. 1959) (per
3 curiam) (finding appeal frivolous because complaint failed to state a claim upon which relief can
4 be granted).

5 The Clerk is directed to send uncertified copies of this Order to Mr. Wengeler at his last
6 known address.

7 Dated this 29th day of July, 2022.

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Lauren King
10 United States District Judge
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